

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2003 SEP 15 10:30 AM

IN RE PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESAL
PRICE LITIGATION

M.D.L. No. 1456

Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge Patti B. Saris

DEFENDANTS' MOTION FOR A
CASE MANAGEMENT ORDER COORDINATING DISCOVERY.

Defendants respectfully move the Court to enter an order (a) requiring the MDL parties to coordinate discovery and (b) creating a procedure for coordinating discovery between the MDL and any related actions proceeding in state courts. As set forth more fully in the accompanying memorandum of points and authorities, an order coordinating discovery is necessary in order to avoid duplicative discovery and to limit the possibility of inconsistent discovery rulings creating inconsistent discovery obligations.

A proposed order is attached.

Respectfully submitted,
ON BEHALF OF ALL
DEFENDANTS

BY: 

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Dated: September 15, 2003

*Attorneys for Defendants Pfizer, Inc.,
Pharmacia Corp. and Pharmacia &
Upjohn, Inc.*

LAREDO SMITH, LLP

September 15, 2003

VIA HAND DELIVERY

Civil Clerk
Suite 2300
United States District Court
1 Courthouse Way
Boston, MA 02210

Re: In Re: Pharmaceutical Industry Average Wholesale Price Litigation
Civil Action Case No. 01-12257 PBS; MDL No. 1456

Dear Sir or Madam:

Enclosed for filing please find the following documents:

1. Defendants' Motion for a Case Management Order Coordinating Discovery;
2. Defendants' Memorandum in Opposition to Montana and Nevada's Joint Motion to Compel Discovery and in Support of Case Management Order Coordinating Discovery;
3. Proposed Order; and
4. Certificate of Service.

Please date stamp the enclosed copy of this letter and return it to the messenger.
Please call me if you have any questions.

Very truly yours,


Mark D. Smith

MDS/nc
Enclosures

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